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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,373	08/21/2001	Seiin Kobayashi	5256	7673

7590

03/18/2003

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EXAMINER

NGUYEN, CHI Q

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,373

Applicant(s)

KOBAYASHI ET AL.

Examiner

Chi Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 13-17, 23-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US PAP 2002/0074075).

Brown discloses (see flow chart of fig. 1) a method of reproducing, re-coloring and/or recycling carpet tiles comprising new carpet tiles are purchased and shipping to the construction building to be installed, old carpet tiles are removed from the floor, sorting out damaged or defected tiles, carpet tiles are brought to a renewal or reproduction factory by a transportation means such as a truck. In the washing process, preferably a high-pressure washing apparatus (spray nozzle type high pressure washing device), dry machine to dry the carpet tiles, a cutting or shearing machine 4, a printing, dyeing or coloring machine for coloring carpet tiles. The carpet tiles having four different patterns X, Y, Z, and W, and different color can be print by the printing machine, bending machine. For installation that require smaller carpet tiles, such as back office installations, one can cut a 36"x36" tile into 18" tiles, a 1mx1m tile into 50cmx50cm tiles, a 40"x40" tile into 20"x20" tiles, etc. (see col. 8).

Brown does not teach explicitly the method of installing, which including a step of the carpet tiles in at least a first area with adjacent tiles being of a different pattern, color,

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shade, design, or combination. It would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange the carpet tiles in the different pattern, color, shade, design or combination, since it has been held that rearranging parts of an invention involves only routine skill in the art.

3. Claims 8-12, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown.

Brown teaches the method of reproducing, re-coloring, and/or recycling carpet tiles as stated in paragraph 2.

Brown does not teach expressly and specifically the first are made up of at least 9, 12, 16, 25, 36 different patterns, colors, designs, shades, or combinations. It would have been an obvious matter of design choice to print or duplicate as many of patterns, colors, designs, shades of the carpet tiles for desirable applications.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 46 is rejected under 35 U.S.C. 102(b) as being anticipated by Brown (US PAP 2002/0074075).

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Brown teaches a set of renewed carpet tiles each with a different color, shade, pattern, design as shown in figs. 3-4.


Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brown et al. (US PAP 2002/0031636), (US 6,524,107), Blum et al. (US 6,507,285), Drake et al. (US 5,658,430), Kajikawa et al. (US 4,872,930).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Monday-Thursday (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (703) 308-0839. The fax number for the organization where this application or proceeding assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

CAN
3/6/03



Carl D. Friedman
Supervisory Patent Examiner
Group 3600